

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

RAYMOND ALLEN,

Petitioner,

v.

**Civil Action No. 1:07cv178
(Judge Keeley)**

TERESA WAID, Warden,

Respondent.

**ORDER GRANTING IFP BUT DIRECTING
PETITIONER TO PAY THE \$5.00 FILING FEE**

On December 28, 2007, the *pro se* petitioner initiated this case by filing an Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241, an Application to Proceed In Forma Pauperis (“IFP”) and a Prisoner Trust Account Report.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of IFP status pursuant to 28 U.S.C. § 1915. Therefore, if a petitioner submits a certified copy of his trust fund statement for the six-month period immediately preceding the filing of the action, then the Court may consider his request.

In this case, the petitioner asserts in his affidavit that he is employed by the institution at which he is incarcerated but earns only \$22.50 a month. Moreover, the petitioner asserts that he has no assets and that he does not have any other sources of income. The ledger sheets to the petitioner’s inmate account confirm the petitioner earns \$22.50 a month from prison employment. The ledger sheets also reveal, however, that the petitioner receives regular monetary gifts from outside sources. In fact, the petitioner’s ledger sheets show that during the six months preceding the

filing of this action, the petitioner's inmate account received average monthly deposits of \$105.83.

Accordingly, although the Court finds that the petitioner is a pauper and **GRANTS** his IFP motion (dckt. 3), because the petitioner earns and receives sufficient funds to pay the \$5.00 filing fee, he will be required to pay that fee within **twenty (20) days** from the date of this Order. The failure to do so could result in the dismissal of this case without further notice.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner.

DATED: February 29, 2008.

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE